

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

210

CRM-M-31505-2018

Date of Decision: 13.05.2019.

Virender Saini

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Anand Kumar Bishnoi, Advocate, for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 482 of the Code of Criminal Procedure is for quashing of order dated 05.07.2016 (Annexure-P1) passed by learned Judicial Magistrate Ist Class, Hisar in Complaint No.2018-II dated 08.10.2015 titled as 'Jai Gopal Versus Virender, vide which the petitioner has been declared proclaimed offender and thereafter F.I.R. No.293 dated 05.04.2018 under Section 174-A of the Indian Penal Code (for short, 'IPC') was registered at Police Station Hisar City, District Hisar.

Learned counsel for the petitioner contended that as per record, it is evident that proclamation was not done at the correct address of the petitioner and, as such, the petitioner could not appear before the trial Court. However, thereafter even the complaint was withdrawn before Lok Adalat on 19.04.2018 rendering the matter to be closed, but still the same proceedings are pending.

Learned State counsel affirmed the fact that the main complaint was dismissed as withdrawn on 19.04.2018.

In view of the above facts, the present petition is accepted and order dated 05.07.2016 as well as F.I.R. No.293 dated 05.04.2018 under Section 174-A IPC, registered at Police Station Hisar City, District Hisar are ordered to be quashed as the continuation of proceedings on the basis of the said F.I.R. shall be an exercise in futility.

(SHEKHER DHAWAN)
JUDGE

13.05.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No